

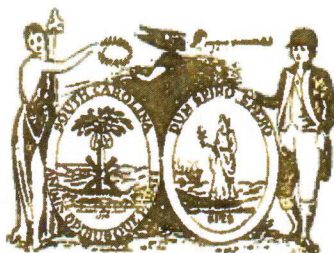
# State of South Carolina

## Executive Department

**FILED**

JUL 06 2016

*Mark Hammond*  
SECRETARY OF STATE



## Office of the Governor

EXECUTIVE ORDER NO.

2016-16

**WHEREAS**, each year, public dollars are allocated to private entities through earmarked appropriations to various state agencies that have generally been made without request or consultation from the agency; and

**WHEREAS**, such appropriations are often expressed as line items with vague names that are not accompanied by specific provisions or instructions as to the intended public use of such funds; and

**WHEREAS**, the State Constitution provides that "[m]oney shall be drawn from the treasury of the State . . . only in pursuance of appropriations made by law" and that "[b]ills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections" pursuant to Article X, Section 8 and Article IV, Section 21, respectively; and

**WHEREAS**, state law provides that "[i]t shall be unlawful for any moneys to be expended for any purpose or activity except for which it is specifically appropriated", and as the governing authority of the agency, the secretary or director is "vested with the duty of overseeing, managing, and controlling the operation, administration, and organization of the department" pursuant to Sections 11-9-10 and 1-30-10(D) of the South Carolina Code of Laws, respectively; and

**WHEREAS**, despite clear statutory language vesting directors with the sole authority to manage their respective agencies, to include determining the appropriate use of its appropriated funds, agency directors are instructed through informal means by members or agents of the General Assembly to pass these earmarked funds through to other entities or individuals to fund private entities, businesses, and projects; and



**WHEREAS**, it has long been held that public funds must be used for public and not private purposes and that, as creatures of statute, state agencies only possess those powers which are specifically delineated and may only deploy public resources in the manner prescribed by statutes or appropriations.

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby order that any funds appropriated to any agency in my Cabinet must be expended in strict compliance with the purposes specified in the General Appropriations Act for a public and not private purpose and only for a purpose allowed by the agency's enabling legislation to further the functions of that agency as determined by its director.

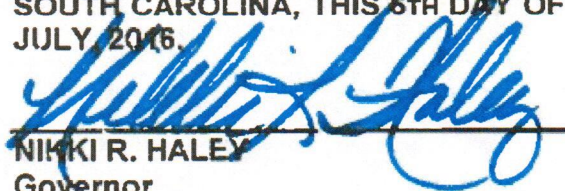
**BE IT FURTHER ORDERED**, that where an agency has been appropriated monies in a manner that is vague or lacks specific instruction through statute or appropriation provisions, the agency director must, prior to expending these funds: (1) certify, in writing, that all expenditures made from this appropriated line further the goals and purposes of the agency and the appropriation; and (2) require a written grant or contract with the fund recipient that specifies the anticipated deliverables or outcomes within a specified timeframe. Nothing in this order should be construed to alter provisions of the General Appropriations Act or any supplemental provision, nor should the provisions of this order be construed to conflict with those of the South Carolina Consolidated Procurement Code or Administrative Procedures Act.

**BE IT FURTHER ORDERED**, the Executive Budget Office, in coordination with all state agencies, shall prepare by November 1st of each year a report, which shall be made public of all grants and contracts awarded with funds appropriated through a hidden earmark in the previous fiscal year.

This Order shall take effect immediately.



GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 6TH DAY OF  
JULY, 2016.

  
NIKKI R. HALEY  
Governor

ATTEST



MARK HAMMOND  
Secretary of State

**Executive Order 2016-16**  
**Hidden Earmarks Transparency Survey**  
**FY 2015-16 Appropriations**

**Agency Name:** SC GOVERNOR'S SCHOOL FOR SCIENCE AND MATHEMATICS (SC GSSM)/  
(SC DEPT. OF EDUCATION)

**Hidden Earmarked Item:** SC GSSM has no pass through items or appropriations clearly or vaguely indicated. All appropriations are designated for support of GSSM's admission to involve Advanced Academics, Statewide Outreach, Life in Residence and minimal administration expenses. Thank you!

**1. Part IA, Line Item Name and Funding, if applicable:**

**Associated Proviso if applicable:**

**2. Part IB, Proviso Number, Item Number and Funding, if applicable:**

**3. New Item for FY 2015-16:** Yes ☐ No ☐

**4. Agency statutory authority that supports earmarked item:**

**5. Describe how item supports agency mission and goals:**

**6. Was item included in agency budget request?** Yes ☐ No ☐

**7. Recipient Name(s):**

**8. Status of recipient receiving funds:** Public ☐ Non-Profit ☐ Private ☐

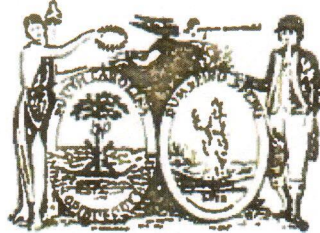
**9. Methodology used in disbursing funds (Provide a brief description and include a copy of written guidelines):**

**10. List of each grant or contract recipient with amount of funds awarded:**



# State of South Carolina

## Executive Department



**FILED**

SEP 19 2016

*Mark Hammond*  
SECRETARY OF STATE

## Office of the Governor

EXECUTIVE ORDER NO.

2016-22

**WHEREAS**, in recent years South Carolina's Other Funds revenue has substantially increased, representing the largest fund source in the Fiscal Year (FY) 2016-17 Appropriations Act at over \$10.39 billion, compared to \$7.57 billion and \$8.35 billion for General Funds and Federal Funds respectively; and

**WHEREAS**, Other Funds span many agencies and encompass various fines and fees, including college tuition, filing fees, laboratory test fees, environmental fees, archival research fees, business and facility licensing fees, and driver reinstatement fees; and

**WHEREAS**, recognizing the need for accountability and transparency in the collection of Other Funds by state agencies, the General Assembly, most recently via Proviso 117.74 of the FY 2016-17 Appropriations Act, requires each state agency to provide a public report of all aggregated amounts of fines and fees that were charged, collected, and expended by that agency but does not require the agencies to identify the cash balance at the end of the fiscal year or an explanation of the need to carry a cash balance in excess of actual expenditures; and

**WHEREAS**, at the close of the past four fiscal years, state agencies have had end of year Other Funds balances of roughly \$2.1 billion, \$2.3 billion, \$2.6 billion, and \$3.2 billion, respectively; and

**WHEREAS**, fines, fees, and user charges is often another form of taxation that increases the cost and complexity of living and doing business in South Carolina; and

**WHEREAS**, Other Funds data is an essential component in the budget development process.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby direct all state agencies to prepare an Other Funds report containing the following:

1. For each Other Fund revenue source, the enabling statute or proviso that authorizes its collection.
2. The agency program or activity that is supported by funds generated from the revenue source.
3. The statute or proviso that grants carry forward authority for funds generated from the revenue source.
4. An explanation of how the revenue source is generated to include the entity or person(s) assessed the fee, fine, or charge.
5. The actual amount collected in the previous fiscal year, the amount estimated to be collected in the current fiscal year, and the amount estimated to be collected in the upcoming fiscal year.
6. The actual expenditures paid from funds generated by the revenue source for the previous fiscal year.
7. The revenue source's cash balance at the end of the previous fiscal year.
8. An explanation of the need to carry a cash balance in excess of the actual expenditures for the previous fiscal year.

BE IT FURTHER ORDERED, the Executive Budget Office shall develop a format and process for collecting the Other Funds reports from all state agencies. All state agencies must submit by November 1st of each year the Other Funds report to the Executive Budget Office that shall be made public.

This Order shall take effect immediately.



ATTEST:

*Mark Hammond*

MARK HAMMOND  
Secretary of State

GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 19TH DAY  
OF SEPTEMBER, 2016.

*Nikki R. Haley*  
NIKKI R. HALEY  
Governor



## Executive Order 2016-22

### Page 2

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby direct all state agencies to prepare an Other Funds report containing the following: [Enabling Legislation-see enclosed](#)

1. For each Other Fund revenue source, the enabling statute or proviso that authorizes its collection. [Proviso 1.35. \(SDE: Governor's Schools' Fees\)](#) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools shall conspicuously publish a fee schedule on their respective websites.

2. The agency program or activity that is supported by funds generated from the revenue source. [Life in Residence](#)

3. The statute or proviso that grants carry forward authority for funds generated from the revenue source. [Proviso 1.7. \(SDE: Governor's School for Science & Math\)](#) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

4. An explanation of how the revenue source is generated to include the entity or person(s) assessed the fee, fine, or charge. [Parking fees are collected through GSSM Student Development area at \\$100 per semester from student drivers that would like to keep his or her vehicle on campus. Parking fees are used for maintenance and up-keep of the parking lot to include, tree trimming, potholes fixing, repainting and/or paving of parking lot.](#)

[Also, GSSM charges each student a school year meal fee of \\$2,000 which helps offset the cost of the students' quality meal plan for the year.](#)

5. The actual amount collected in the previous fiscal year, the amount estimated to be collected in the current fiscal year, and the amount estimated to be collected in the upcoming fiscal year. [The total amount of parking fees collected for FY15 was \\$5,260, FY16 \\$4,300 and the estimated amount to be collected for FY17 is \\$4,000.](#)

6. The actual expenditures paid from funds generated by the revenue source for the previous fiscal year. [Student meal fees are expended 100% to GSSM's contract vendor Aramark.](#)

7. The revenue source's cash balance at the end of the previous fiscal year. [The previous fiscal year revenue source's cash balance is zero.](#)

8. An explanation of the need to carry a cash balance in excess of the actual expenditures for the previous fiscal year. Parking- GSSM plans to obtain off-campus site and outfit for student parking to include fencing, lights, security, swipe cards and a gate.

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## CHAPTER 48.

### SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS

#### **SECTION 59-48-10.** Establishment of school.

There is established a special school of science and mathematics for the purpose of fostering educational development of high school juniors and seniors in this State who are academically talented in the areas of science and mathematics and who show promise of exceptional development in these subjects. The school shall provide accelerated instruction in mathematics and science in a residential educational setting.

HISTORY: 1987 Act No. 170, Part II, Section 23.

#### **SECTION 59-48-20.** Board of trustees and Board of Trustees of the Special School of Science and Mathematics; appointment; term of office; compensation.

(A) The school is under the management and control of a board of trustees consisting of eleven members, as follows:

- (1) one member from each congressional district appointed by the Governor;
- (2) two members appointed from this State at large by the Governor;
- (3) the Chairman of the Joint Legislative Committee to Study the State's Public Education System, ex officio, or his designee;
- (4) the State Superintendent of Education, ex officio, or his designee;
- (5) the Executive Director of the Commission on Higher Education, ex officio, or his designee.

Members appointed by the Governor shall serve for four years and until their successors are appointed and qualify, except that of those first appointed, the members representing the First, Second, and Third Congressional Districts and one at-large member shall serve for two years and until their successors are appointed and qualify. Members shall receive mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

In his appointments, the Governor shall seek to obtain the best qualified persons from the business, industrial, and educational communities, including mathematicians and scientists.

The board of trustees shall explore use of the facilities of Coker College for the school's campus.

(B) The Board of Trustees of the Special School of Science and Mathematics shall also include the following six additional members:

- (1) the president of the South Carolina Governor's School of Science and Mathematics Foundation, Inc., to serve ex officio;
- (2) the provost or vice president for academic affairs from each of the following higher education research institutions to serve ex officio:
  - (a) Clemson University;
  - (b) the University of South Carolina;
  - (c) the Medical University of South Carolina. The provost or vice president for academic affairs of each of these three institutions shall serve as nonvoting members of the board;

(3) two members appointed from the State at large by the Governor to serve for terms of four years each and until their successors are appointed and qualify. Vacancies shall be filled by appointment in the manner of original appointment for the remainder of the unexpired term.

HISTORY: 1987 Act No. 170, Part II, Section 23; 1990 Act No. 319, Section 1; 1991 Act No. 248, Section 6; 2000 Act No. 387, Part II, Section 46.

**SECTION 59-48-30.** Course of study.

The board shall establish the standard course of study for the school. This course of study shall include instruction in the areas which constitute the usual high school curriculum and provide in-depth instruction in science and mathematics.

HISTORY: 1987 Act No. 170, Part II, Section 23.

**SECTION 59-48-35.** Requirements for diploma.

The students enrolled in the Special School of Science and Mathematics who earn a total of twenty units of credit distributed as specified in the Defined Minimum Program for South Carolina school districts, who pass the exit examination described in Section 59-30-10(f), and who meet the school's requirements for graduation are eligible to receive a state high school diploma. The board of the Special School, in its discretion, may issue its own high school diploma.

HISTORY: 1990 Act No. 410, Section 1.

**SECTION 59-48-40.** Admission criteria, standards, and procedures.

The school shall admit students in accordance with criteria, standards, and the procedures established by the board. To be eligible to be considered for admission, an applicant must be a legal resident of this State. Eligibility to remain enrolled in the school terminates when a student becomes a nonresident of this State. The board shall ensure, insofar as possible without jeopardizing admission standards, that an equal number of students are admitted from each of the state's congressional districts.

HISTORY: 1987 Act No. 170, Part II, Section 23.

**SECTION 59-48-50.** Administrative officer for school.

The chief administrative officer of the school shall be the director, who must be appointed by the board to serve at its pleasure. The director shall administer all affairs of the school, subject to policies, rules, and regulations adopted by the board. The director shall serve as the secretary to the board of trustees and shall report at least annually to the board concerning the state of the school.

HISTORY: 1987 Act No. 170, Part II, Section 23.

**SECTION 59-48-60.** Adoption of policies and regulations.

The board of trustees may adopt policies and regulations as it considers necessary for the operation and management of the school.

HISTORY: 1987 Act No. 170, Part II, Section 23.

**SECTION 59-48-70.** Endowment fund.

The board may establish and maintain an endowment fund for the school.

HISTORY: 1987 Act No. 170, Part II, Section 23.



Agency Name:	Governor's School for Science & Mathematics (GSSM)		
Agency Code:	H65	Section:	Education - SCD
Item #	Law Number	Jurisdiction	Type of Law

Statutory Requirement and/or Authority Granted

Enabling Legislation CHAPTER  
48. HISTORY: 1987 Act No. 170,  
Part II, Section 23.

SECTION 59 48 20.

SPECIAL SCHOOL OF SCIENCE  
AND MATHEMATICS

SECTION 59 48 10. Establishment  
of school.

All

Establish School and Governing Body 1987

Statute

State

All

1.7. (SDE: Governor's School for Science & Math) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

Proviso 1.7

State

Proviso

1.27. (SDE: Governor's School Leave Policy) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.

Proviso 1.27

State

Proviso

All

1.35. (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools shall conspicuously publish a fee schedule on their respective websites.

Proviso 1.35

State

Proviso

All

**1.55.** (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

Proviso 1.55

5

State

Proviso

Residential

**1.86.** (SDE: Governor's Schools Informational Access to Students) For the current fiscal year, school districts must permit both the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics to collaborate with individual schools and their staff to share information with students and families about the educational opportunities offered at the respective Governor's Schools, through avenues including school visits, informational presentations, and posters. By June 30, **2015**, the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of these Informational Access efforts. Further, the two Governor's Schools will work with districts, the Department of Education and School Report Card administrators, to ensure that SAT scores of current Governor's Schools' students are included in the School Report Card of those students' resident schools and districts

Proviso 1.85

6

State

Proviso

Residential

Proviso 117.50

7

State

Proviso

All

**117.50.** (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and Mathematics, Wiliam Gray Opportunity School, and John de la Howe School are authorized to charge, collect, expend and carry forward fees charged for facility and equipment rental and registration



117.16. (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards at any of the state's penal institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics and the Governor's School for Arts and Humanities who are required to stay on campus by the institution because of job requirements or program participation. Any state institution of higher learning may provide complimentary membership privileges to employees who work at their wellness centers. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

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Proviso 117.16

State

Proviso